



APPENDIX

PERTINENT EXCERPTS FROM STATUTE, ORDER
AND SCHEDULE

STATUTE:

Emergency Price Control Act of 1942 (Public Law No. 421, 77th Congress, Second Session, approved January 30, 1942):

"Sec. 2 (h). The powers granted in this section shall not be used or made to operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, established in any industry, except to prevent circumvention or evasion of any regulation, order, price schedule, or requirement under this act."

"Procedure—Sec. 203 (a). Within a period of sixty days after the issuance of any regulation or order under section 2, or in the case of a price schedule, within a period of sixty days after the effective date thereof specified in section 206, any person subject to any provision of such regulation, order, or price schedule may, in accordance with regulations to be prescribed by the Administrator, file a protest specifically setting forth objections to any such provision and affidavits or other written evidence in support of such objections. At any time after the expiration of such sixty days any person subject to any provision of such regulation, order, or price schedule may file such a protest based solely on grounds arising after the expiration of such sixty days
* * * ."

"Review—Sec. 204 (a). Any person who is aggrieved by the denial or partial denial of his protest may, within thirty days after such denial, file a complaint with the Emergency Court of Appeals, created pursuant to subsection (c), specifying his objections and praying that the regulation, order, or price schedule protested be enjoined or set aside in whole or in part. * * *

ORDER:

Rate Order No. 12 of War Shipping Administration.

"SURCHARGE—SUGAR FROM CUBA TO UNITED STATES ATLANTIC AND GULF PORTS

Pursuant to the Act of Congress approved July 14, 1941, and General Order No. 3 of February 10, 1942, the following surcharge is hereby prescribed as the maximum in which the Administration will concur as a condition to the granting, or to the continued recognition, of warrants authorized by that Act, all previous Rate Orders inconsistent herewith being amended accordingly:

In the trade from Cuban ports to United States Atlantic and Gulf ports for the carriage of sugar, a surcharge of 22% applicable, on charter terms and conditions, to vessels tendered for loading in Cuba on and after March 16, 1942, and to be applied on existing charter rates as shown in the General Order No. 47 of the United States Maritime Commission, also applicable on berth terms, to vessels loading in Cuba on and after March 16, 1942, and to be applied on existing berth rates."

SCHEDULE:

Amendment No. 11 to Price Schedule No. 58 issued December 7, 1942:

“WOOL AND WOOL TOPS AND YARNS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.†

Section 1410.51 (e) is hereby amended by adding to the proviso at the end thereof the following:

Sec. 1410.51 Maximum prices for wool and wool tops and yarns. * * *

(e) * * *

(4) * * *

† “The necessity for this amendment is apparent. If it were otherwise, a person could not enter into a futures selling contract for wool tops with the assurance that when the settlement date arrived, he would be able to close his contract at the price at which it was entered into.

“Fluctuations in war risk insurance rates should not have the effect of destroying the contractual certainty that is an essential in the orderly operations of a futures market.”

Provided further, That wool top futures contracts entered into after December 18, 1941 at a price no higher than the maximum price determined in accordance with this Revised Price Schedule No. 58, as amended, on the date such contract was made may be carried out at the contract price.

Sec. 1410.60 Effective dates of amendments. (m) Amendment No. 11 (Sec. 1410.51 (e)) to Revised Price Schedule No. 58, as amended, shall become effective December 12, 1942."

